

United States Senate

WASHINGTON, DC 20510

February 18, 2005

The Honorable Mike Enzi
Chairman
Committee on Health, Education,
Labor, and Pensions
United States Senate
Washington, D.C. 20510

The Honorable Ted Kennedy
Ranking Member
Committee on Health, Education,
Labor, and Pensions
United States Senate
Washington, D.C. 20510

The Honorable Lamar Alexander
Chairman
Subcommittee on Education and
Early Childhood Development
United States Senate
Washington, D.C. 20510

The Honorable Christopher J. Dodd
Ranking Member
Subcommittee on Education and
Early Childhood Development
United States Senate
Washington, D.C. 20510

Dear Chairman Enzi, Senator Kennedy, Chairman Alexander, and Senator Dodd:

We welcome the Chairman's recent statements that the Committee will be having a series of hearings on the ongoing implementation of the No Child Left Behind Act (NCLB). We also applaud the announced intention to host field hearings during which Committee members will be able to hear directly from those most affected by this law. As you know, students and teachers around the country are well into their third school year under the provisions of this law. Unfortunately, many educators, administrators, students, and parents are still struggling to wade through the maze of new, and often complex, rules and regulations associated with NCLB.

Our constituents have raised many concerns about the way in which the NCLB is being implemented. Time and again, we have heard from administrators and teachers who are frustrated by the lack of flexibility to date from the Department of Education. We look forward to working with the new Secretary of Education to ensure that individual school districts and states are given flexibility to tailor the law's implementation to meet their specific circumstances. Federal education law should not be a one-size-fits-all, cookie-cutter approach. Every state and every school district is different, and we are concerned that the Department's rigid approach to implementation to date has not taken into account, and could actually undermine, the variety of successful and innovative education methods that exist around the country.

Because of these concerns, we ask that your planned hearings focus on issues including:

- the unique circumstances of rural and smaller school districts, and in particular, the special challenges that the supplementary services and public school transfer requirements and NCLB accountability structure pose for these districts;
- the long-term effects that meeting the one-size-fits-all adequate yearly progress provisions will have on students, schools, and school districts;
- the effect of federal funding well below the agreed upon authorization levels for crucial programs such as Title I and special education is having on schools' ability to meet NCLB and state standards;
- the federal sanctions structure included in the law, which focuses more on taking away from schools than on targeting resources to what those schools need to succeed;
- the concern and likelihood that nearly all public schools may not be able to meet the goal of 100 percent proficient scores on reading and math tests by the 2013-2014 school year, even if those schools show a steady increase in student achievement each year;
- the financial cost to states and school districts for the NCLB data collection and reporting requirements, and its effect on the overall education of our children as states and districts continue to face tight budgets;
- the need for additional federal funding for professional development and for the costs to provide additional training for paraprofessionals, as well as the need for increased funding for teacher and principal recruitment and retention in light of the expected teacher and administrator shortage, on the ability of states and school districts to comply with the NCLB requirements for highly qualified teachers and paraprofessionals;
- the toll that preparation for the mandatory reading and math tests for students in grades 3-8, including time spent teaching to the tests, is having on, and will have on, the ability of teachers to spend time on innovative and

exciting approaches to instruction and assessment; instruction time available for such subjects as social studies, art, and music; the strength of state academic standards; and the morale of students and educators;

- the ongoing efforts to align the NCLB and the Individuals with Disabilities Act, and particularly how we can ensure that meeting the NCLB's accountability goals is not in conflict with the education goals in a student's Individualized Education Plan;
- the unique challenges that the accountability provisions pose for special education students and students with limited English proficiency, including efforts to ensure that these students are tested in a manner that is tailored to their individual needs; and
- the implementation of the supplemental services provisions, including implications for federal civil rights law.

We agree that a full discussion of these and other issues surrounding implementation of the NCLB is warranted, given the importance of a good public education to our children and to the future of our nation. We look forward to working with you to ensure that NCLB implementation is flexible and meets the needs of students, teachers, school districts, and states.

Thank you for your commitment to exploring the practical effects of NCLB and for your attention to this request.

Sincerely,



Russell D. Feingold
United States Senator



Mark Dayton
United States Senator




Patrick J. Leahy
United States Senator



Richard J. Durbin
United States Senator


E. Benjamin Nelson
United States Senator


Carl Levin
United States Senator